

Review HB 1971 (Completed)

Status: H Local Govt

Short Description: Concerning installation, inspection, testing, and maintenance of smoke control systems and fire dampers, smoke dampers, and combination fire and smoke dampers.

Lead Division: State Building Code Council

Other Divisions Assigned To: **Buildings & Grounds**

Liaison has already completed their final review.

Your Review

Initial Questions

☐ Bill misassigned to division

☐ Bill doesn't impact Department of Enterprise Services

Review Questions

1. Reviewer Role

What is your role?

Lead division analyst (agency lead)

2. Bill Summary

2A. What does the bill direct or require DES to do? List and summarize the sections that impact DES.

Section 1: New section requiring state building code council (SBCC) to provide rules or amend codes by December 31, 2022, to require periodic testing plans for smoke control systems in existing buildings that do not already have a plan. SBCC must also provide an appropriate transition period and request recommendations from fire marshals and other interested stakeholders as part of the rulemaking or code amendment process.

Sections 1(2) and 1(3) require SBCC to provide rules or amend codes to accomplish the purpose of sections 2 and 3 by December 31, 2023.

Section 2 is a new section added to chapter 19.27 RCW requiring smoke control systems be installed and tested. This section outlines the requirements for engineers, building owners or delegees, and inspectors. This has no fiscal impact to SBCC.

Section 3 is a new section added to chapter 19.27 RCW requiring smoke dampers, fire dampers, and combination fire and smoke dampers be installed and tested. This section outlines the requirements for building owners or delegees. This has no fiscal impact to SBCC.

Section 4 is amended to outline the required skills of the personnel or company that services as the special inspector for smoke control systems installations or periodic testing. This has no fiscal impact to SBCC.

Section 5 is amended to require SBCC to work in conjunction with the director of fire protections to coordinate the implementation and enforcement of sections 2 and 3 and RCW 19.27.720.

Section 6 is a new section added to chapter 19.27 RCW outlining requirements for owners of buildings equipped with smoke control systems or dampers. This has no fiscal impact to SBCC.

Section 8 is a new section that repeals RCW 19.27.710 and 2020 c 88 s 2. This has no fiscal impact to SBCC.

Section 9 is a new section that repeals RCW 19.27.740 and 2020 c 88 s 5. This has no fiscal impact to SBCC.

Section 10 is a new section stating sections 2, 3, and 4 of this act will expire at the time SBCC passes other rules or codes to supersede these sections. This has no fiscal impact to SBCC.

Section 11 is a new section putting an effective date of July 1, 2022 on sections 1, 5, 6, 7, and 9. This has no fiscal impact to SBCC.

Section 12 is a new section describing the important of, and putting into effect immediately sections 2, 3, 4, 8, and 10. This has no fiscal impact to SBCC.

2B. How is this different from what DES currently does?

Requires the SBCC to adopt retroactively requirements for existing buildings.

2C. If you know, please explain what issues or concerns prompted this legislation, and if there was similar legislation introduced in the past.

The bill modifies HB 5360 (introduced 2021) to allow for a more enforceable and clarifying language.

3. Policy/Operational Impacts

3A. Policy and/or operational impacts

Major

3B. Describe the operational impacts. These may include changes to existing programs, benefits, processes, or systems.

The implementation date in Section 1 is difficult to meet, and will require off-cycle rulemaking within the regular code adoption process.

The rule requires amendments to the Fire code and the building code. All code proposals for these codes are already filed and posted for public comments; public hearings are already scheduled for February and March. Adding new proposals to the mentioned codes will affect, if not derail, the current adoption process. Off-cycle rulemaking activities seem necessary. This would require special TAG and Committee meetings, and more staff time. The SBCC is already understaffed to meet the additional workload imposed by several new bills and approaching due dates.

3C. Will a policy or policies need to be created or updated, because of this bill?

No

If Yes, please describe what policies will need to be created or updated:

3D. Does the bill require DES to submit a report to the Legislature or another body?

Yes

If Yes, please describe the report requirements:

Sec. 10. requires the SBCC to provide written notice of the expiration date of sections 2, 3, and 4 of this act to affected parties, the chief clerk of the house of representatives, the secretary of the senate, the office of the code reviser, and others as deemed appropriate by the council.

3E. If enacted, would this bill require a new rule or revise an existing rule?

Yes

If yes, identify the section of the bill and cite the affected rules:

This will require rulemaking for WAC 51-54A (Fire Code) and possibly WAC 51-50 (IBC)

4. Fiscal Impacts

4A. Estimate the annual fiscal impact.

Less than \$50,000

4B. Describe the fiscal impact and (if possible) quantify the impact DES's operational/administrative resources, including the types and extent of resources needed.

Off-cycle rulemaking activities seem necessary. This would require special TAG and Committee meetings. By estimate, at least six TAG meetings and three BFP committee meetings will be needed for the development of the code language, and most likely two Council meetings. There are six Council members assigned to the BFP committee, and one Council member is chairing the Fire TAG. There are 14 Council members that regularly attend the Council meetings, and five occasionally.

Section 1 also requires the SBCC to request recommendations from the Washington state association of fire marshals and other interested stakeholders. This will require at least three meetings with 5-7 Council members. Additionally, Section 5 requires SBCC to work in conjunction with the director of fire protections, which will require at least one meeting between the director of fire protection and 3-7 Council members.

Provide Link to Fiscal Note:

5. Stakeholder Impacts (external to DES)

5A. Overall effect on stakeholders:

Minor

5B. Impacted Stakeholders

- State
- Local
- Unions

5C. Describe the impacts on all stakeholders including agencies, boards, governments (local, state), unions or any other identified stakeholders.

This bill would add cost for compliance to building owners and cost for enforcement for the enforcing jurisdictions. There will also be minor cost for training, certification, and records retention for effected building.

6. Amended Bill Impacts

How does the current amended version you've been assigned differ in impact compared to the last version you looked at?

7. Recommendations

7A. Do you recommend that we testify on this bill?

No

7B. If yes, on what issues?

7C. Proposed amendment(s):

The bill, as written, has too much code language. Requiring building code provisions through the state law is always an issue for building owners, the building industry and the enforcing agencies. A better option would be to require (or allow) the Washington state association of fire marshals and the director of fire protection to develop and submit proposals for adoption by the SBCC.

7D. Should the bill be reviewed by the AG?

No

Is there any additional background that would be helpful?

HB 5360 (introduced 2021) was very similar but had language that was unenforceable and some requirements that do not exist.

Recommended Position

Neutral

Recommended Priority

Monitoring

Is your review complete?

Yes